

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Application for the  
Determination of Interim License Fees for

THE CROMWELL GROUP, INC. AND  
AFFILIATES, ET AL. (LAKE MICHIGAN  
BROADCASTING, INC.)

In the matter of the Application of

HICKS BROADCASTING OF INDIANA, LLC.,  
ET AL. (LAKE MICHIGAN BROADCASTING,  
INC.)

Related to

UNITED STATES OF AMERICA,  
Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,  
AUTHORS AND PUBLISHERS,  
Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/10/12

10 CV 0167 (DLC)(MHD)

*also filed in 10 cv 5210*

09 CV 7759 (DLC)(MHD)

41 CV 1395 (DLC)(MHD)

CONSENT JUDGMENT

WHEREAS, in its Final Order, this Court approved the ASCAP 2004 Radio Station License Agreement ("the 2004 License"), covering the period January 1, 2001 through December 31, 2009, and directed all "Bound Stations" to pay license fees to ASCAP in an amount calculated by the Radio Music License Committee ("RMLC") in accordance with the RMLC's allocation formula set forth in the 2004 License. *See In the Matter of the Application of Hicks Broadcasting of Indiana, LLC, et al.*, Docket No. 09 CV 7759, related to 41 CV 1395 (S.D.N.Y.) (referred to herein as "the Hicks Proceeding"); and

WHEREAS, this Court issued its Interim Fee Order on May 25, 2010, fixing interim fees to be paid by "Bound Stations" pending a negotiated agreement between ASCAP and the RMLC, or subsequent determination by the Court of reasonable final fees for the period commencing January 1, 2010. *See In the Matter of the Application for the Determination of Interim License Fees for the Cromwell Group, Inc. and Affiliates, et al.*, Docket No. 10 CV 0167, related to 41 CV 1395 (S.D.N.Y.) (referred to herein as "the *Cromwell* Proceeding"); and

WHEREAS, Lake Michigan Broadcasting, Inc. ("Lake Michigan") is the F.C.C licensee of the following radio stations: WKLA-FM and WKLA-AM, both of which are located in Ludington, Michigan; WKZC-FM, located in Scottville, Michigan; and WMTE-FM located in Manistee, Michigan; WKLA-FM, WKLA-AM, WKZC-FM and WMTE-FM are collectively referred to as "the Stations"; and

WHEREAS, Lake Michigan entered into the 2004 License for the Stations covering the period January 1, 2001 through December 31, 2009; and

WHEREAS, for periods beginning January 1, 2010, Lake Michigan has directly authorized the RMLC to act on its behalf with regard to ASCAP licenses for the Stations and was an Applicant in the *Cromwell* Proceeding; and

WHEREAS, the Stations are "Bound Stations" within the meaning of this Court's Final Order entered in the *Hicks* Proceeding and May 25, 2010 Interim Fee Order entered in the *Cromwell* Proceeding; and

WHEREAS, for periods through August 31, 2011, pursuant to the Stations' ASCAP licenses, Lake Michigan owes ASCAP license fees and late payment charges in the total amount of \$67,085.78 ("Settlement Amount"); and

WHEREAS, pursuant to the payment arrangement set forth in the Agreement between ASCAP and Lake Michigan, Lake Michigan agreed to pay ASCAP the Settlement Amount together with the monthly license fees due under the Stations' ASCAP licenses; and

WHEREAS, pursuant to the Agreement, ASCAP placed Lake Michigan on notice of its breach of its payment obligations and Lake Michigan failed to cure its breach; and

WHEREAS, ASCAP has moved the Court for entry of judgment against Lake Michigan for all amounts due and owing to ASCAP pursuant to the Agreement and the ASCAP licenses for the Stations, and good cause having been shown for the relief sought.

IT IS HEREBY ORDERED that ASCAP's motion against Lake Michigan is granted, and judgment is hereby entered against Lake Michigan in the amount of ~~\$67,085.78~~ <sup>\$65,345.58</sup>, less any amounts paid pursuant to the Agreement between the parties as shown in an affidavit submitted by ASCAP, with interest on the judgment amount to be calculated at the rate of 9% (simple annual interest) pursuant to N.Y. C.P.L.R. §5004. The Clerk of Court shall not close this case.

Dated: \_\_\_\_\_

New York, New York

\_\_\_\_\_  
Denise Cote  
United States District Judge

We consent to the entry of the foregoing Consent Judgment:

AMERICAN SOCIETY OF  
COMPOSERS, AUTHORS AND  
PUBLISHERS

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